

June 2010

Governor's Office of Crime Control & Prevention

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Law Enforcement Instructional Guide

Domestic Violence – Protective Orders – Notification of Service

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This instructional guide is presented in a question-and-answer format by the Governor's Office of Crime Control & Prevention concerning the law recently passed regarding the notification of service of interim, temporary, and final protective orders. This guide has been developed in an effort to assist law enforcement in the implementation of significant changes in the law.

1. What does the new law accomplish?

The new law requires separate responsibilities of law enforcement, the Department of Public Safety and Correctional Services (DPSCS), court clerks, and commissioners:

a. Law enforcement shall:

- i. electronically notify the Department of Public Safety and Correctional Services of the service of an interim or temporary protective order within two (2) hours after service on a respondent.

b. The Department of Public Safety and Correctional Services shall:

- i. develop a notification request form and procedures for notification;
- ii. notify the petitioner of the service on the respondent of an interim or temporary protective order within one (1) hour after the law enforcement officer notifies DPSCS;
- iii. notify the petitioner of the service on the respondent of a final protective order within one (1) hour after knowledge of the service of the protective order on the respondent.

c. Court clerk or Commissioner shall:

- i. provide the notification request form to the petitioner.

2. When will the new law be implemented?

Passed during the 2009 Maryland General Assembly, the new law was contingent upon the Governor's Office of Crime Control & Prevention (GOCCP) securing funding to implement the statewide notification system. GOCCP secured funding through the American Recovery and Reinvestment Act of 2009. The new law went into effect on January 1, 2010. DPSCS contracted a vendor, Appriss, to implement the VINE Protective Order System for Maryland. DPSCS and Appriss are targeting an August 2010 rollout of the system. Upon rollout, State and local agencies will begin compliance with the new law.

3. Does the new law affect all law enforcement agencies?

Yes. Within Maryland, there are 30 serving agencies designated by the courts for protective order service. However, any law enforcement agency may request to serve an order or be assigned by the courts to serve an order; therefore, policies and procedures must be developed within all agencies to comply with the new law.

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4. Is VINE Protective Order (VPO) the same service as Victim Information & Notification Everyday (VINE)?

No. Although they are designed by the same vendor, VINE and VPO accomplish different notifications. Victims already registered for VINE will not be automatically registered for VPO. Victims must register for VINE and VPO separately.

Victim Information & Notification Everyday (VINE) is a free, fully automated, information and notification service provided in both English and Spanish 24 hours a day, seven days a week. Through VINE, victims of crime receive notification of the most recent court hearing dates and changes in local jail or State prison status of offenders currently involved in Maryland's criminal justice system. Victims who register for VINE may choose to be notified via phone or email.

VINE Protective Order (VPO) is also a free, automated information and notification service provided in both English and Spanish 24 hours a day, seven days a week. Through VPO, petitioners receive notification of protective order and case information. VPO has the ability to notify victims when a protective order has been served on the respondent as well as hearing reminders, docket changes, protective order expiration reminders, and order status. Petitioners who register for VPO may choose to be notified via phone or email. Those notified by phone are greeted with a generic script and asked to enter their pin. Without the pin, the message will not be delivered. If the petitioner does not answer, they will be called every two hours for the next forty-eight hours. If the wrong pin is entered, the system will allow three total tries before disconnecting.

5. How will the victim obtain the information pamphlet for VPO registration?

The new law specifies that the court clerk or commissioner shall provide the notification request form to the petitioner. Courts will have in their possession pamphlets detailing how a victim may register for VPO should they choose to do so. Law enforcement agencies will be provided with brochures detailing information about VPO to hand out to victims as well, although dissemination by law enforcement agencies is not mandated by law.

6. How can petitioners register for VPO?

Once the petitioner receives a case number (after the issuance of the protective order), he or she may register by calling the toll-free VPO phone number or visiting the VPO website. Once registered, petitioners can check the status of the protective order by using case numbers only. Victims are not able to search the system by first or last names of respondents.

7. How does VPO notification work?

Following the service of an interim, temporary, or final protective order, a certified law enforcement officer enters confirmation of service into METERS/NCIC. This information triggers law enforcement notification to DPSCS, whose system sends the information to VPO, where protective order information is captured and stored in a secure database for tracking. Once VPO receives notification from DPSCS, the registered petitioner will be notified of service of the protective order. Victim notification takes no longer than nine seconds once confirmation of service is entered into METERS/NCIC.

8. Does the new law impose any additional time constraints upon law enforcement?

Yes. When an interim or temporary protective order is served, law enforcement has two hours to electronically notify DPSCS. There is no new time constraint in the case of final protective orders. The clock starts ticking upon service of the order, not upon issuance.

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9. The law states that law enforcement must electronically notify the Department of Public Safety and Correctional Services (DPSCS) when an interim or temporary protective order is served. How can law enforcement accomplish this?

DPSCS will accept electronic notification through METERS. Specifically, the NCIC confirmation of service field will trigger law enforcement notification to DPSCS. In the case of any protective order (interim, temporary, or final), completion of the NCIC confirmation of service field is key to accomplish VPO notification to the petitioner.

10. What is The Domestic Violence Central Repository (DVCR)?

The DVCR system is the automated process by which the Maryland Judiciary electronically sends protective orders to DPSCS. Upon receipt of a protective order from Judicial Information Systems (JIS), DPSCS sends an AM type message to the Originating Agency notifying them of the issuance, modification, or cancellation of that protective order. The Originating Agency may right-click the AM message in its METERS inbox to auto-populate the associated METERS form for that protective order.

11. How does the new law affect current METERS/NCIC entry?

Since December 18, 2002, there have been three types of protective orders issued in Maryland with associated NCIC entry:

- INTERIM – Voluntary Entry into METERS/NCIC
- TEMPORARY – Mandatory Entry into METERS/NCIC
- FINAL – Mandatory Entry into METERS/NCIC

Because VPO notification will be triggered by METERS/NCIC entry, the implementation of the new law will require law enforcement agencies to enter Interim Protective Order data into METERS/NCIC.

Because the NCIC confirmation of service field triggers knowledge of service to DPSCS in cases of all protective orders, completion of this field is the key to VPO notification to the petitioner. Although the NCIC confirmation of service field is not required by federal law, this new Maryland law effectively requires that the confirmation service field be completed for all orders (interim, temporary, and final).

12. Does the METERS/NCIC record need to be fully “packed” in order to trigger VINE Protective Order notification?

No. The METERS/NCIC information required to meet the requirements of the new law is completion of 1) the base METERS/NCIC record and 2) the confirmation of service field.

The Domestic Violence Central Repository (DVCR) will send a Protective Order Administrative Message (POAM) via METERS to the agency of issuance. The DVCR data from the Courts will automatically populate METERS/NCIC with the base record information of interim, temporary and final protective orders. Base record will include, at minimum, the court case number and may include the respondents' first name, last name, date of birth, race, sex, or information of other protected persons. The agency can right click the POAM message to populate the NCIC record with this information. This creates a “base” NCIC record that contains a court case number. Each agency will then add its own unique case number. Careful and thorough scrutiny of the record is required to verify the validity of all NCIC codes.

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13. If a final protective order is served in court or mailed, does the new law impose any additional responsibilities upon law enforcement?

A final protective order served in court or via mail should be entered into METERS/NCIC as currently required by State law. The new law imposes no additional time constraints upon law enforcement; however, VPO notification to the petitioner will not occur unless law enforcement completes the NCIC confirmation of service field. Completion of the confirmation of service field gives DPSCS “knowledge of the service” of a final protective order and triggers VPO to notify the petitioner.

Note: Petitioners should be cautioned that the notification they receive following the service of a final protective order may only indicate that the order was placed in the mail, not that the respondent physically received it. This caveat will be included in VPO brochures and notifications given to petitioners. Even if the respondent was present at the final protective order hearing, law enforcement NCIC entry will enable the remaining benefits of VPO for the petitioner such as case status changes and expiration reminders.

14. What if my agency's connection to METERS/NCIC is down?

If your agency's connection to METERS is inaccessible for technical reasons, follow current emergency procedures for contacting Maryland State Police Headquarters and submitting data for NCIC entry. 24/7 support for this is available by calling 410-653-4210.

15. What if the METERS/NCIC system is down?

If the METERS system goes down completely, you will be notified through an outage email sent by the DPSCS helpdesk. DPSCS will activate the emergency VINE Protective Order notification website. The website address will be included in the outage email you will receive. Maryland State Police support staff will be able to relay the website address in case of an outage.

16. By Federal Law, protective orders can only be entered into NCIC by someone who is certified to do so. How does this requirement affect compliance with the new law?

Protective order data may only be entered into the METERS/NCIC database by a CN1 certified operator. Due to the time constraints imposed by the new law, entry must be possible on a 24 hours a day, seven days a week basis to achieve compliance. Individual agencies will need to develop policies and procedures to implement this requirement effectively.

See #26: Examples of Policies and Procedures of Jurisdictions.

17. What if my agency does not have a certified NCIC officer working 24 hours a day, seven days a week?

In agencies where certified NCIC officers work Monday through Friday 9 a.m. to 5 p.m. only, agencies must develop policies and procedures to ensure that a confirmation of service entry is made in METERS/NCIC within 2 hours of service of an interim or temporary protective order after normal business hours. Unavailability of a certified NCIC officer is not considered an emergency by the Maryland State Police, and Headquarters may not be solicited for NCIC entry support in this situation. The Kent County Sheriff's Office, which operates under this scenario, has developed a policy that requires the serving deputy to fill out a form and fax to a neighboring jurisdiction with a secondary user agreement that has agreed to complete the base NCIC record and confirmation of service field after normal business hours.

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18. What if my agency does not operate 24 hours a day, seven days a week?

In scenarios where agencies operate Monday through Friday 9 a.m. to 5 p.m. or on any limited basis, most agencies currently have “secondary user agreements” in place whereby an alternate local jurisdiction receives notification through DVCR via METERS that an order has been issued by the courts. Local jurisdictions have agreements with local court commissioners to issue protective orders to the appropriate serving agency based on agency hours of operation. If agreements are not in place, this issue may be worked out locally between serving agencies and court commissioners.

19. Can MDTs be used to electronically notify DPSCS of protective order service?

Yes. An optional Remote Mobile Data Terminal (RMDT) transaction, ZDVN, will be made available for agencies that are willing to include it within their local systems. This code (ZDVN) is a direct VINE Protective Order notification transaction. This RMDT transaction is an optional transaction, and it is up to each agency to include it in their local system.

20. Protective orders cannot be entered into NCIC without a date of birth. How could this requirement affect compliance with the law?

In order to implement this law effectively, a base NCIC record must exist for all orders; therefore, if you receive a protective order that does not contain a respondent's date of birth, it must be obtained in order to comply with the new law. Date of birth may be obtained from the respondent during service or through existing local procedures for obtaining such information.

21. Interim Protective Orders cannot be entered into METERS/NCIC on the day that they expire. How does this affect compliance with the new law?

When the date of service of the protective order is the same as the day the order expires, entry will be made using new check boxes through METERS/NCIC. These check boxes will be added to both the *Enter Protective Order* and *Modify Protective Order* forms. These check boxes will be used when the *Date of Service* equals the *Date of Expiration*. If the order is served on the *Date of Expiration*, the order will be sent to the VPO system, but not to NCIC or METERS.

22. Occasionally, protective orders issued to one jurisdiction are served by another jurisdiction. How will multiple agencies comply with the new law in this scenario?

A new METERS form (Direct VINE Notification Form) and a new RMDT transaction (ZDVN) will be provided for the serving agency to send the notification of service update to the VPO system only. These transactions will require the following information: Serving Officer's Name, Serving Officer's Phone Number, Serving ORI, Date of Service, Originating ORI, and Protective Order Number. Upon completion of the respective transaction, VPO will be notified and an AM type message (Service Notification Administrative Message or SNAM) will be sent to the Originating Agency's ORI. Please note that the originating agency must still be the one to update METERS/NCIC, as the serving agency cannot do this. This new form will notify VPO and satisfy the requirements of the new law.

23. Does this new METERS form (Direct VINE Notification Form) preclude Serving Agencies from completing paper return of service to the Originating Agency?

No. Agencies should continue to follow local procedures concerning paper return of service. The serving officer should make every effort to fax return of service to the originating agency immediately. It is imperative that the originating agency have hardcopy proof that the order was served for court purposes such as charging a respondent with a violation of a protective order.

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24. If an agency misses the two hour window for notification of service, can that agency simply call or visit the victim to notify them that the order was served?

It is currently the policy of several agencies to call the victim by telephone or visit them at home to confirm that the protective order has been served. While this is extremely beneficial from a public safety standpoint, it must be made clear that to do so does not put an agency in compliance with the new law. Agencies must enter confirmation of service into METERS/NCIC to achieve compliance, as well as enable petitioners to receive all the benefits of the VPO system.

25. Who can we call for support during rollout of this new law?

Tech Support:

Ed Nabors, 410-585-3175, enabors@dpscs.state.md.us

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26. Example Draft Policies of Jurisdictions***Kent County Sheriff's Office***

Since January 1, 2010, Kent County Sheriff's Office (KCSO) Deputies serving protective orders have been instructed to notify all Petitioners upon service to the Respondent. KCSO plans to continue this procedure in addition to the notification to DPSCS during regular administrative business hours. KCSO does not have a 24-hour terminal operator for NCIC entry; therefore, they plan to utilize their local State Police Barrack to fulfill the requirements of the law during non-regular administrative business hours. For this purpose, KCSO has created a Protective Order Notification Form which they plan to implement once the notification system is fully operational in August 2010. The form will be faxed by the deputy to the MSP duty officer and include all pertinent information for NCIC entry.

Baltimore County

The Baltimore County Police Department will now require all serving officers to send an Administrative Telex Message within one hour of service of a protective order to the Records Management Unit advising the order has been served. The message will include the following information: Interim or Temporary Protective Order number, date/time served, respondent's name, and serving officer's name and ID number.

The Records Management Unit will now update the Interim and Temporary Protective Order status in METERS within one hour of receiving the Administrative Telex message. Also, upon the receipt of the Final Protective Order from the District and Circuit Courts, the Records Management Unit will also update the status in METERS and make a copy of the original order and distribute it to the respective precinct's Administrative Lieutenant, via departmental mail.

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Notes:***Guide for Training, Not a Substitute for Legal Advice***

This guide is intended as a training tool and offers some procedural recommendations. It is not intended to substitute for the advice of legal counsel. Please use due care and consult state and local laws, legal advisor, State's Attorney, and agency policy and procedure.

VINE Protective Order Workgroup

This guide was developed by the Governor's Office of Crime Control & Prevention VINE Protective Order Workgroup, a group comprised of representatives from the Governor's Office of Crime Control & Prevention, Governor's Family Violence Council, Administrative Office of the Courts, Maryland State Police, Anne Arundel County Sheriff's Office, Baltimore County Police Department, Carroll County Sheriff's Office, Cecil County Sheriff's Office, Department of Maryland State Police, Maryland Department of Public Safety and Correctional Services, and the Maryland Sheriff's Association.

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